



**CITY COMMISSION AGENDA
CITY HALL CHAMBERS
251 W. Plant Street**

REGULAR MEETING

JANUARY 24, 2008

6:30 P.M.

CALL TO ORDER

Determination of a Quorum

Invocation and Pledge of Allegiance

1. APPROVAL OF MINUTES

Regular Meeting of January 10, 2008

2. PRESENTATIONS AND OATHS OF OFFICE

- A. Regional Director of St. Johns River Water Management District Nancy Christman will present information on low impact development benefits to local governments
- B. Certificates for attending the Advanced Institute for Elected Officials to Commissioners Boulter and Sharman – Mayor Quesinberry
- C. Oaths administered to new police officers - Police Chief Brennan

3. SECOND READING AND PUBLIC HEARING OF PROPOSED ORDINANCES

- A. [Ordinance 08-08](#): AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, AMENDING ORDINANCE 07-45, THE CITY OF WINTER GARDEN FISCAL YEAR 2007-2008 BUDGET TO CARRY FORWARD PRIOR YEAR APPROPRIATIONS; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE – Finance Director Strobeck
- B. [Ordinance 08-10](#): AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WINTER GARDEN, FLORIDA, AMENDING APPENDIX A OF THE WINTER GARDEN CODE OF ORDINANCES RELATING TO ROAD AND DRAINAGE CONSTRUCTION BY AMENDING ARTICLE III, SECTIONS 3.01, 3.02, AND 3.03 OF THE WINTER GARDEN CODE OF ORDINANCES; PROVIDING FOR CODIFICATION; PROVIDING FOR CONTROL; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE - Public Services Director Cochran
- C. [Ordinance 08-11](#): AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WINTER GARDEN, FLORIDA, AMENDING CHAPTER 78 OF THE WINTER GARDEN CODE OF ORDINANCES RELATING TO UTILITIES BY CREATING THE FOLLOWING SECTION THEREOF: ARTICLE I GENERAL; SECTION 78-1 STANDARDS AND SPECIFICATIONS FOR WATER AND WASTEWATER SYSTEMS, DESIGN, CONSTRUCTION METHODS, MATERIALS AND INSPECTIONS; PROVIDING FOR CONTROL; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE – Public Services Director Cochran

4. REGULAR BUSINESS

- A. Recommendation to approve an Environmental Hold Harmless Agreement with West Orange Business Center – Planning Director Williams

- B. Recommendation to approve the final plat for the West Orange Business Center – Planning Director Williams
- C. Recommendation to approve youth program scholarships to summer day camp participants – Recreation Director Conn
- D. Recommendation to approve a contract with Planning Innovations, Inc. for \$49,900 to analyze local transportation services – City Manager Bollhoefer
- E. Nomination by District 3 City Commissioner to the election Canvassing Board; first alternate member (*continued from December 13, 2007 and January 10, 2008*) – Commissioner Boulter
- F. Withdraw appointment of Jerry Carris to the election Canvassing Board because he holds public office on the Planning and Zoning Board; replacement nomination by District 2 City Commissioner – Commissioner Buchanan

5. MATTERS FROM CITIZENS (*Limited to 3 minutes per speaker*)

6. MATTERS FROM CITY ATTORNEY – Kurt Ardaman

7. MATTERS FROM CITY MANAGER – Mike Bollhoefer

- A. Discuss an annual Dr. Martin Luther King Jr. parade

8. MATTERS FROM MAYOR AND COMMISSIONERS

ADJOURN to a regular City Commission meeting on February 14, 2008 in City Hall Chambers

Please Note: In accordance with Florida Statutes 286.0105: Any person who desires to appeal any decision at this meeting will need a record of the proceedings and for this purpose may need to ensure that a verbatim record of the proceedings is made which includes the testimony and evidence upon which the appeal is based, which such written record is not provided by the City of Winter Garden.

Also, in accordance with Florida Statute 286.26: Persons with disabilities needing assistance to participate in any of these proceedings should contact the Office of the City Clerk, 251 W. Plant Street, Winter Garden, FL 34787, (407) 656-4111 x 2254 48 hours in advance of the meeting.

ORDINANCE 08-08

**AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, AMENDING
ORDINANCE 07-45, THE CITY OF WINTER GARDEN FISCAL YEAR 2007-2008
BUDGET TO CARRY FORWARD PRIOR YEAR APPROPRIATIONS; PROVIDING
FOR SEVERABILITY AND AN EFFECTIVE DATE.**

WHEREAS, on September 27, 2007, the City Commission of the City of Winter Garden, Florida, adopted Ordinance 07-45 appropriating and allocating all revenue and funds of the City of Winter Garden, Florida for the tax year beginning October 1, 2007 and ending September 30, 2008;

WHEREAS, the City Commission has decided to amend the City of Winter Garden, Florida Budget for the tax year beginning October 1, 2007 and ending September 30, 2008 to provide for budget carryovers from the preceding budget year;

BE IT ENACTED BY THE CITY OF WINTER GARDEN, FLORIDA:

SECTION 1: That the sum of \$19,325,199 to be appropriated as follows:

REVENUES

General Fund	\$ 2,203,724
Local Option Gas Tax Fund	1,153,317
General Impact Fee Fund	1,831,642
Transportation Impact Fee-South of Turnpike Fund	-
Transportation Impact Fee-OOCEA Pledge Fund	2,428,087
New City Hall Fund	7,112,692
Utilities Operating Fund	26,600
Utilities Impact Fee Fund	3,597,463
Utilities Renewal & Replacement	196,893
Stormwater Fund	744,781
Trailer City Fund	<u>30,000</u>
	\$19,325,199

EXPENSES

General Fund	\$ 2,203,724
Local Option Gas Tax Fund	1,153,317
General Impact Fee Fund	1,831,642
Transportation Impact Fee-South of Turnpike Fund	-
Transportation Impact Fee-OOCEA Pledge Fund	2,428,087
New City Hall Fund	7,112,692
Utilities Operating Fund	26,600
Utilities Impact Fee Fund	3,597,463
Utilities Renewal & Replacement	196,893
Stormwater Fund	744,781
Trailer City Fund	<u>30,000</u>
	\$19,325,199

SECTION 2: Detail for the aforementioned totals is attached as Exhibit 1, which shall be incorporated in the Ordinance. Should any portion of this Ordinance be held invalid, then such portions as are not declared to be invalid shall remain in full force and effect.

SECTION 3: This Ordinance shall become effective upon its adoption at the second reading and public hearing.

READ FIRST TIME: _____

READ SECOND TIME AND PUBLIC HEARING HELD: _____

APPROVED:

Mayor/Commissioner Jack Quesinberry

ATTEST:

Kathy Golden, City Clerk

ORDINANCE NO. 08-10

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WINTER GARDEN, FLORIDA, AMENDING APPENDIX A OF THE WINTER GARDEN CODE OF ORDINANCES RELATING TO ROAD AND DRAINAGE CONSTRUCTION BY AMENDING ARTICLE III, SECTIONS 3.01, 3.02, AND 3.03 OF THE WINTER GARDEN CODE OF ORDINANCES; PROVIDING FOR CODIFICATION; PROVIDING FOR CONTROL; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Winter Garden, Florida (the "City") desires to keep current its Ordinances for consistency with budget practices and manning requirements driven by operational needs of the Department; and

WHEREAS, Regulatory and Environmental considerations result in the need for periodic changes in the rules governing the manner in which business is conducted ; and

WHEREAS, the delivery of high quality and efficient services to the citizens of the City are integral to the mission of the Public Services Department, the City Manager and the City Commission; and

WHEREAS, references to other public agencies and documents require periodic revisions to keep our ordinances consistent; and

WHEREAS, subsequent revisions are also deemed warranted my staff and shall be offered as supplemental to this Ordinance to complete the Utilities Ordinance Update process.

WHEREAS, after public notice and due consideration of public comment, the City Commission of the City of Winter Garden hereby finds and declares the adoption of this Ordinance is necessary and appropriate to advance and serve the health, safety and general welfare of the citizens of Winter Garden, Florida; now, therefore,

BE IT ENACTED BY THE CITY OF WINTER GARDEN, FLORIDA:

SECTION 1: Authority: The City Commission of the City of Winter Garden has the authority to adopt this Ordinance pursuant to Chapter 166, Florida Statutes.

SECTION 2: Adoption: The following Sections shall be amended in Appendix A, Article III of the City of Winter Garden Code of Ordinances and shall read as follows (words that are ~~stricken out~~ are deletions; words that are underlined are additions):

ARTICLE III. ROAD, STREET AND HIGHWAY RELATED CONSTRUCTION

Sec. 3.01. Adoption of the City of Winter Garden Standard Specifications for Road and Drainage Construction Manual. ~~county road construction specifications.~~

There is adopted by the city for the purpose of establishing minimum acceptable standards for the design, methods for construction, materials and inspections of road, street, highway, and related subdivision construction in the city, the City of Winter Garden Manual of Standard Specifications for Road and Drainage Construction. Such manual shall apply to all road and drainage construction within the City of Winter Garden. One copy shall be on file in the offices of the Public Services Department, Division of Engineering. It is adopted and incorporated as fully as if set out in length in this section. This manual shall be amended or modified as necessary with the approval of the City Manager. ~~of road, street and highway related construction in the city that certain county road construction specifications document, approved and recommended by the county road construction advisory board January, 1988 and adopted by the county commission February 15, 1988 (sometimes~~

~~referred to as "RCS"), save and except such portions as are deleted, modified or amended by this article and by the city commission from time to time. This article shall apply to all roads, streets, highways and related and appurtenant construction in the city, whether associated or related to any subdivision or otherwise. A copy of the county's road construction specifications is filed in the office of the city clerk. Such road construction specifications document is adopted and incorporated as fully as if set out in length in this section, except for such portions as are deleted, modified or amended by this article and by the city commission.~~

~~(Code 1988, § 19-224)~~

~~Sec. 3.02. General modifications to road construction specifications.~~

~~General modifications to the county road construction specifications adopted in this article shall be as follows:~~

- ~~(1) All references to "board of county commissioners" are replaced with "city commission."~~
- ~~(2) All references to "county" and "Orange County" are replaced with "city" and "City of Winter Garden," respectively.~~
- ~~(3) All references to "administrator," "county administrator," or "administration" are replaced with "city manager."~~
- ~~(4) All references to "county attorney" are replaced with "city attorney."~~
- ~~(5) All references to "county engineer" are replaced with "city engineer."~~
- ~~(6) All references to any board or panel, such as but not limited to the "Orange County Road Construction Advisory Board," are replaced with "city engineer." However, any matter arising in the city that, but for this article, would have been submitted to the county road construction advisory board under the RCS shall be submitted to such board, if allowed by the board for board action. The city engineer shall then adopt the board's determinations unless he has justifiable cause to deviate therefrom.~~
- ~~(7) Article 1 of the RCS is amended to read as follows: "SHORT TITLE: This resolution shall be known as the City of Winter Garden Road Construction Specifications."~~
- ~~(8) Article 2 of the RCS is amended to read as follows: "JURISDICTION: These regulations apply to all incorporated areas of the City of Winter Garden."~~
- ~~(9) Article 3 of the RCS is amended to read as follows: "PURPOSE: These regulations are adopted for the purpose of establishing the minimum standards of road, street and highway construction and related and appurtenant construction in the City of Winter Garden. Any item not specifically addressed in these specifications shall be in accordance with the Standard Specifications. The city engineer will review specific products to make a determination of compliance with these specifications."~~

~~(Code 1988, § 19-225)~~

~~Sec. 3.03. Modifications to terms, conditions and specifications of county road construction specifications.~~

~~The following specific modifications are made to the county road specifications adopted in this article:~~

- ~~(1) Section 6.05 is amended to read as follows: "Embankments shall be constructed true to lines, grades and cross sections shown on the plans, within a 0.1 foot tolerance. Embankments shall be constructed of suitable materials placed in successive level layers not more than 12 inches in thickness, loose measure, for the full width of the embankment, for the full length of the embankment, and compacted to a minimum density of 95% of the maximum density value as determined by A.A.S.H.T.O. T 180. Embankment underroadways and up to six feet outside the edge of pavement or curb shall be compacted to 98% of the maximum density values as determined by A.A.S.H.T.O. T 180."~~
- ~~(2) Section 7.02.01 b) is amended to read as follows: "Compact to 95% of A.A.S.H.T.O. T 180 for top 12."~~
- ~~(3) Section 7.02.02 a) is amended to read as follows: "Compact to 95% of A.A.S.H.T.O. T 180 for top 12."~~
- ~~(4) Section 7.02.03 b) is amended to read as follows: "Compact to 95% of A.A.S.H.T.O. T 180 for top 12."~~
- ~~(5) Section 8.09.01 is amended to read as follows: "The supplier shall submit a mix design, prepared by an independent geotechnical engineer, to the county engineer for approval prior to use of the material for road construction. Also, the supplier shall continuously monitor at the plant the batching and mixing of the material and submit to the county engineer, as requested, reports, prepared by the geotechnical engineer of the gradation, cement content and moisture content. The geotechnical engineer shall monitor the installation and conduct applicable tests and inspections as outlined in Section 8.08."~~
- ~~(6) Section 9.01 is amended to read as follows: "The work specified in this section consists of the construction of a base course composed of limerock. It should be noted that limerock base is generally not allowed due to the nature of soils and water table in the city. However, should there be special cases where limerock base is permitted, the following specifications will apply. It shall be constructed on the prepared subgrade in accordance with these~~

~~specifications and in conformity with the lines, grades, notes, and typical cross sections shown on the plans. Where so shown on the plans, the base shall be constructed in two courses. Where the plans do not specify double course base, the base may be constructed in either one of two courses."~~

~~(7) Section 12.02.02 is amended to read as follows: "The top six inches shall be composed of well drained granular soils that are predominantly sandy, mixed with no more silt or clay than required to obtain a Florida bearing value of 50, plus or minus five, and be compacted to 98% of maximum density in accordance with A.A.S.H.T.O. T 180."~~

~~(8) The table at end of section 12.05.01 is amended to read as follows:~~

~~TABLE INSET:~~

"TYPE OF DEVELOPMENT —	ROAD CLASSIFICATION —	—
Residential —	Marginal Access —	6" —
—	Minor Street —	6" —
—	Collector Street —	6" —
Industrial & [Commercial] —	Marginal Access —	6" —
—	Minor Street —	6" —
—	Collector Street —	8" —

~~(9) Section 13.04 is amended to read as follows: "Backfilling shall progress as rapidly as the construction and testing of the work will permit. All backfill material shall be suitable and free of deleterious material. The initial backfill shall be carefully deposited on both sides of the pipe at the same time and uniformly compacted around the barrel of the pipe until enough has been placed to provide a cover of one foot above the crown of the pipe. In no case shall backfill material be placed in the trench in a manner that will cause shock to, or unequal pressure on, the pipe. The backfill shall be placed and compacted to 98% of the maximum density as determined by A.A.S.H.T.O. T 180 under and within six feet of the travelled way and under other existing hard surfaced or previously compacted areas. In all areas except for those stated, compaction must equal 90% of maximum density as determined by A.A.S.H.T.O. T 180 or as directed by the County Engineer. Under no condition is construction, debris, concrete, etc., to be included with the backfill."~~

~~(10) Section 20.06 a) is amended to read as follows: "Under and within six feet of the travelled way and under other existing hard surfaced, or previously compacted areas. Compaction must equal 98% of maximum density as determined by A.A.S.H.T.O. T 180."~~

~~(11) Section 20.08 is amended to read as follows: "The top 12 inches of the excavation shall be stabilized with a mixture of clay and sand to a condition equal to or better than existing surface. Compaction density of this layer shall equal 98% of maximum density as determined by A.A.S.H.T.O. T 180."~~

~~(Code 1988, § 19-226)~~

SECTION 3: Codification: Section 2 of this Ordinance shall be codified and made part of the City of Winter Garden Code of Ordinances.

SECTION 4: Control: In the event of a conflict or conflicts between this ordinance and other ordinances, this ordinance controls.

SECTION 5: Severability: It is the intent of the City Commission of the City of Winter Garden, and is hereby provided, that if any section, subsection, sentence, clause, phrase or provision of this Ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall be construed as to render invalid or unconstitutional the remaining provisions of this Ordinance.

SECTION 6: Effective Date: This Ordinance shall become effective upon adoption at its second reading.

City of Winter Garden Regular Commission Agenda
January 24, 2008

FIRST READING: January 10, 2008.

SECOND READING AND PUBLIC HEARING: _____, 2008.

ADOPTED this _____ day of _____, 2008, by the City Commission of the City of Winter Garden, Florida.

APPROVED:

JACK QUESINBERRY, Mayor/Commissioner

ATTEST:

KATHY GOLDEN, City Clerk

ORDINANCE NO. 08-11

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WINTER GARDEN, FLORIDA, AMENDING CHAPTER 78 OF THE WINTER GARDEN CODE OF ORDINANCES RELATING TO UTILITIES BY CREATING THE FOLLOWING SECTION THEREOF: ARTICLE I GENERAL; SECTION 78-1 STANDARDS AND SPECIFICATIONS FOR WATER AND WASTEWATER SYSTEMS; DESIGN, CONSTRUCTION METHODS, MATERIALS AND INSPECTIONS; PROVIDING FOR CODIFICATION; PROVIDING FOR CONTROL; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Winter Garden, Florida (the "City") desires to keep current its Ordinances for consistency with budget practices and manning requirements driven by operational needs of the Department; and

WHEREAS, Regulatory and Environmental considerations result in the need for periodic changes in the rules governing the manner in which business is conducted; and

WHEREAS, the delivery of high quality and efficient services to the Utilities customers of the City are integral to the mission of the Public Services Department, the City Manager and the City Commission; and

WHEREAS, references to other public agencies and documents require periodic revisions to keep our ordinances consistent; and

WHEREAS, subsequent revisions are also deemed warranted my staff and shall be offered as supplemental to this Ordinance to complete the Utilities Ordinance Update process.

WHEREAS, after public notice and due consideration of public comment, the City Commission of the City of Winter Garden hereby finds and declares the adoption of this Ordinance is necessary and appropriate to advance and serve the health, safety and general welfare of the citizens of Winter Garden, Florida; now, therefore,

BE IT ENACTED BY THE CITY OF WINTER GARDEN, FLORIDA:

SECTION 1: Authority: The City Commission of the City of Winter Garden has the authority to adopt this Ordinance pursuant to Chapter 166, Florida Statutes.

SECTION 2: Adoption: The following Section shall be inserted in Chapter 78 Utilities, Article I In General, of the City of Winter Garden Code of Ordinances and shall read as follows:

Sec. 78-1. Standards and specifications for water and wastewater systems; design construction methods, materials and inspections.

There is adopted by the city for the purpose of establishing minimum acceptable standards for the design, methods of construction, materials, and inspections of water and wastewater distribution, transmission and collection systems, infrastructure and facilities in the city, the City of Winter Garden Manual of Standard Specifications for Utilities Construction. Such manual shall apply to all proposed water and wastewater infrastructure and facilities to be owned, operated and/or maintained by the city. One copy shall be on file in the offices of the Public Services Department, Division of Engineering. It is adopted and incorporated as fully as if set out in length in this section. This manual shall be amended or modified as necessary with the approval of the City Manager.

SECTION 3: Codification: Section 2 of this Ordinance shall be codified and made part of the City of Winter Garden Code of Ordinances.

SECTION 4: Control: In the event of a conflict or conflicts between this ordinance and other ordinances, this ordinance controls.

SECTION 5: Severability: It is the intent of the City Commission of the City of Winter Garden, and is hereby provided, that if any section, subsection, sentence, clause, phrase or provision of this Ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall be construed as to render invalid or unconstitutional the remaining provisions of this Ordinance.

SECTION 6: Effective Date: This Ordinance shall become effective upon adoption at its second reading.

FIRST READING: _____ January 10 _____, 2008.

SECOND READING AND PUBLIC HEARING: _____, 2008.

ADOPTED this _____ day of _____, 2008, by the City Commission of the City of Winter Garden, Florida.

APPROVED:

JACK QUESINBERRY, Mayor/Commissioner

ATTEST:

KATHY GOLDEN, City Clerk